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<b>To:</b> Examiner Kuo-Liang Tang Art Unit: 2122	<b>From:</b> Steven Fischman
<b>Fax:</b> (703) 872- 9306	<b>Pages:</b> 30 including cover sheet
<b>Phone:</b>	<b>Date:</b> 10/19/2004
<b>Re:</b> Serial No. 09/703,316 Group Art Unit: 2122 Confirmation No: 1369 Our Docket: YOR920000358US1 (13735)	<b>CC:</b>

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Steven Fischman  
Registration No. 34,594

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To: Examiner Kuo-Liang Teng	From: Steven Fischman
Fax: 703-872-9306	Pages: 27 pages including cover sheet
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Confirmation No. 1369	
Docket No. YOR920000356US1 (13736)	

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Docket No. YOR020000366US1 (13735)  
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<b>To:</b> Examiner Kuo-Liang Tang	<b>From:</b> Steven Fischman
<b>Fax:</b> 703-872-9308	<b>Pages:</b> 27 pages including cover sheet
<b>Phone:</b>	<b>Date:</b> 6/2/2004
<b>Re:</b> U.S. Serial No. 09/703,316	<b>CC:</b>
Group Art Unit: 2122	
Confirmation No. 1369	
Docket No. YOR920000358US1 (13735)	


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<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. <b>YOR920000358US1 (13735)</b>
Applicant(s): <b>Matthew R. Arnold, et al.</b>			
Serial No. <b>09/703,316</b>	Filing Date <b>November 1, 2000</b>	Examiner <b>Kuo-Liang J. Tang</b>	Group Art Unit <b>2122</b>
Invention: <b>SYSTEM AND METHOD FOR ADAPTIVELY OPTIMIZING PROGRAM EXECUTION BY SAMPLING AT SELECTED PROGRAM POINTS</b>			
Confirmation No: <b>1369</b>			
<p>I hereby certify that this <u>AMENDMENT UNDER 37 C.F.R. §1.116</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>June 2, 2004</u> (Date)</p> <p style="text-align: right;"><u>Steven Fischman</u> (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"><u></u> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

P18/REV01

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>			<b>Docket No.</b> <b>YOR920000358US1 (13735)</b>		
<b>Applicant(s): Matthew R. Arnold, et al.</b>					
<b>Serial No.</b> 09/703,316	<b>Filing Date</b> November 1, 2000	<b>Examiner</b> Kuo-Liang J. Tang	<b>Group Art Unit</b> 2122		
<b>Invention: SYSTEM AND METHOD FOR ADAPTIVELY OPTIMIZING PROGRAM EXECUTION BY SAMPLING AT SELECTED PROGRAM POINTS</b>					
<b>Confirmation No: 1369</b>					
<u><b>TO THE COMMISSIONER FOR PATENTS:</b></u>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	<b>CLAIMS REMAINING AFTER AMENDMENT</b>	<b>HIGHEST # PREV. PAID FOR</b>	<b>NUMBER EXTRA CLAIMS PRESENT</b>	<b>RATE</b>	<b>ADDITIONAL FEE</b>
<b>TOTAL CLAIMS</b>	54 -	54 =	0 x	\$18.00	\$0.00
<b>INDEP. CLAIMS</b>	3 -	3 =	0 x	\$86.00	\$0.00
<b>Multiple Dependent Claims (check if applicable)</b> <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					\$0.00
 <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0510/IBM <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 _____ Signature			Dated: June 2, 2004		
Steven Fischman Registration No. 34,594			<div style="border: 1px solid black; padding: 5px;"><p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37C.F.R. 1.8 and is addressed to the for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><hr/><p style="text-align:center">Signature of Person Mailing Correspondence</p><hr/><p style="text-align:center">Typed or Printed Name of Person Mailing Correspondence</p></div>		
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RESPONSE UNDER 37 C.F.R.  
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EXAMINING GROUP 2122

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Matthew R. Arnold, et al.

**Examiner:** Kuo-Liang J. Tang

**Serial No:** 09/703,316

**Art Unit:** 2122

**Filed:** November 1, 2000

**Docket:** YOR920000358US1 (13735)

**For:** SYSTEM AND METHOD FOR  
ADAPTIVELY OPTIMIZING  
PROGRAM EXECUTION BY SAMPLING  
AT SELECTED PROGRAM POINTS

**Dated:** June 2, 2004

**Confirmation No:** 1369

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 C.F.R. §1.116**

Sir:

Responsive to the Final Office Action of April 2, 2004, Applicants respectfully request the Examiner to reconsider the application in view of the following amendments and remarks.

Amendments to the Claims begin on page 2 of this paper.


Remarks begin on page 15 of this paper.

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: June 2, 2004

  
Steven Fischman